

DIVISION II

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOSEPHINE LINKER HART, Judge

CACR05-989

September 27, 2006

CHRISTOPHER BRANNING
APPELLANT

APPEAL FROM THE BOONE COUNTY
CIRCUIT COURT
[NO. CR2004-244-4]

V.

HONORABLE GORDON WEBB,
CIRCUIT JUDGE

STATE OF ARKANSAS
APPELLEE

REBRIEFING ORDERED

A jury found appellant, Christopher Branning, guilty of one count of second-degree stalking, two counts of first-degree terroristic threatening, and one count of misdemeanor violation of a protection order, for which he was sentenced to a total of 120 months' imprisonment. On appeal, he argues that the trial court erred in denying his motion to dismiss based on double-jeopardy grounds and his motion to dismiss based on speedy-trial grounds. Because the abstract and addendum in appellant's brief do not conform with our rules governing the contents of briefs, we order rebriefing.

Our rules on abstracting require that an appellant's abstract consist of the "material parts of the testimony of the witnesses and colloquies between the court and counsel and other parties as are necessary to an understanding of all questions presented to the Court for decision." Ark. Sup. Ct. R. 4-2(a)(5). Further, "[p]leadings and documentary evidence

should not be abstracted.” *Id.* Our rules on the contents of the addendum mandate that it include photocopies of “the order, judgment, decree, ruling, letter opinion ... from which the appeal is taken, along with any other relevant pleadings, documents, or exhibits essential to an understanding of the case and the Court’s jurisdiction on appeal.” Ark. Sup. Ct. R. 4-2(a)(8).

Appellant’s abstract and addendum are deficient, and we are unable to reach the merits of the case. Although these are not inclusive lists, missing from the addendum are docket sheets, charging and arrest instruments, motions and orders of continuance, written motions and supporting briefs, exhibits, and the court’s written orders. Missing from the abstract are numerous colloquies in which the parties and the court addressed the issues raised on appeal. We also require that appellant abstract all testimony material to the issues raised on appeal. Finally, we observe that while appellant has abstracted some documents, this is not permitted by our rules. Rather, these documents should appear in the addendum.

Pursuant to our rules, we afford appellant an opportunity to cure these deficiencies, and appellant has fifteen days within which to file a substituted abstract, addendum, and brief that conform with our rules. Ark. Sup. Ct. R. 4-2(b)(3). After the filing of a substituted brief, appellee will be afforded an opportunity to revise or supplement its brief. *Id.* We further note that if after the opportunity to cure these deficiencies, appellant fails to file a complying abstract, addendum, and brief, we may affirm for noncompliance with our rules. *Id.*

Rebriefing ordered.

GLOVER and CRABTREE, JJ., agree.